

ELMONT PUBLIC LIBRARY

1735 HEMPSTEAD TURNPIKE · ELMONT, NEW YORK 11003-1896 · TEL (516) 354-5280 · FAX (516) 354-3276

RECEIVED

FEB 20 2001

February 14, 2001

FCC MAIL ROOM

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Federal Communications Commission
 Office of the Secretary
 445 – 12th Street SW, Room TW-A325
 Washington, DC 20554

LETTER OF APPEAL (PY3)

Re: CC Docket Nos. 96-45 and 97-21 ✓
 Billed Entity: Elmont Public Library
 1735 Hempstead Turnpike
 Elmont, NY 11003-1896
 Form 471: Application Number 199353
 Billed Entity Number 123773
 Funding Request Number 434574

On April 17, 2000 our library sent a Letter of Appeal to the Universal Service Administration, School and Libraries Division (see copy attached, Form #1). The appeal letter was very brief and simple. Our funding request was for Internet access and not internal connections, which is not funded, and was denied. We feel someone reviewing the forms made a simple mistake.

On February 1, 2001 the Universal Service Administration sent a decision on our appeal. That decision was "denied in full" (see copy attached, Form #2). The reason for denial was that our request indicated a "one-time charge that included the purchase and maintenance of a CISCO 1601 Router." That reason was not our intent. On page 4 of 6 of our application (see Form #3 attached), the equipment (one-time charges) costs \$4,978.00 was listed as 100% ineligible (Line G). Line K is clearly a mistake. The application is for use of a T1 Line (Internet access) for a total cost of \$17,088 (Line E), Commitment Request of \$9,569.28. Our application never intended to be funding for internal connections; it was always for Internet access, typical of previous years' funding.

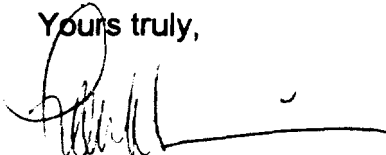
Our library serves a population of 44,000; our patrons constantly use the twenty computers that access the Internet. The library's application is checked for Internet access as the Category of Service. It also reflects the equipment charges as 100% ineligible. We are hoping that you give careful consideration to our appeal and realize that our application is for Internet access (T1 service), which is being funded.

No. of Copies rec'd 0
 List A B C D E

Federal Communications Commission
Page 2
February 14, 2001

If you need any additional information please call me. Thank you in advance for your concern in this matter.

Yours truly,

A handwritten signature in black ink, appearing to read 'Frank Marino', followed by a long horizontal line extending to the right.

Frank Marino
Business Manager

FM/mg
Attachments (3)

ELMONT PUBLIC LIBRARY

1735 HEMPSTEAD TURNPIKE · ELMONT, NEW YORK 11003-1896 · TEL (516) 354-5280 · FAX (516) 354-3276

Form # 1

April 17, 2000

Letter of Appeal, Schools and Libraries Division

Box 125, Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

LETTER OF APPEAL (PY3)

Billed Entity: Elmont Public Library
Address: 1735 Hempstead Turnpike, Elmont, NY 11003-1896
Telephone: (516) 354-5280
Fax: (516) 354-3276
E-Mail: fmarino@epl.lib.ny.us
Contact Person: Frank Marino

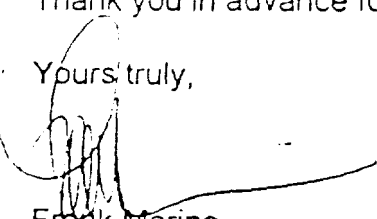
Form 471: Application Number 199353
Billed Entity Number 123773
Funding Request Number 434574

Enclosed please find a copy of our funding commitment report indicating "a service discount will not be funded" and the funding commitment decision explanation is "funding cap will not provide for internal connections less than 81% discount to be funded."

REASON FOR APPEAL

The library's Form 471 Block 5 Discount Funding Request (copy attached) is for "Internet Access," not internal connections. Internet Access, if received during the filing window, is being funded. The Elmont Public Library did file in the window period and requested funding for Internet access. The request is for a T1 Internet access line which is reflected in the NYSERNET Agreement (copy attached). This request is not for any internal connections. Please review the enclosed information. If you need any further information please call me. Thank you in advance for your concern in this matter.

Yours truly,


Frank Marino
Business Manager

FM/mg
Enclosures (3)

Form 471 Application Number: 199353

302774-40 1111 30026



Form # 2

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2000-2001

February 1, 2001

Frank Marino
Elmont Public Library
1735 Hempstead Turnpike
Elmont, NY 11003-1896

Re: Billed Entity Number: 123773
471 Application Number: 199353
Funding Request Number(s): 434574
Your Correspondence Dated: April 17, 2000

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Three Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 30-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number: 434574
Decision on Appeal: **Denied in full**
Explanation:

- **Your appeal claims that the category of service for this request should be internet access, and not internal connections as determined by the SLD.** Upon further review of your appeal, your request included a one-time charge that included the purchase and maintenance of a Cisco 1601 Router. According to program rules the purchase and maintenance of applicant owned equipment, such as a router, must be classified in the internal connections service bucket.
- **Since your Form 471 included some internal connections services, as listed above, within your Block 5 request for priority one services, your Form 471 request has been recategorized as a request for internal connections services.** For Funding Year Three, there are not sufficient funds to provide internal connections discounts to applicants

below 82%. On your Form 471 you indicated that the library was eligible for a 56% shared discount rate.

- FCC rules require that where demand for funding exceeds available support, first priority be given to requests for telecommunications services and Internet access. *See* 47 C.F.R. §54.507(g)(1)(i). FCC rules further require that requests for internal connections be given second priority, and be funded only if funds remain after support has been provided for telecommunications and Internet access through all discount levels in a funding year. *See* 47 C.F.R. § 54.507(g)(1)(ii). Where demand for discounts for internal connections exceeds available support, FCC rules require funding be awarded first to applicants eligible for a ninety percent discount level, and then at each descending single discount percentage until funds are depleted. *See* 47 C.F.R. § 54.507(g)(1)(iii). Program procedures further require that funding requests for telecommunications/Internet access services that include internal connections services be recategorized as internal connections services to prevent priority two services (internal connections) being treated as priority one services (telecommunications and Internet access services) for funding decisions. Consequently, SLD denies your appeal because there is insufficient funding for Funding Year Three to support this request for internal connections.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted on the website at <www.universalservice.org>. **You must file your appeal with the FCC no later than 30 days from the date on this letter for your appeal to be filed in a timely fashion.**

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Form #3

Entity Number 123773
Contact Person FRANK MALINO

Applicant's Form Identifier 471-2000-01
Phone Number 516-354-3240 x225

Block 5: Discount Funding Request(s)

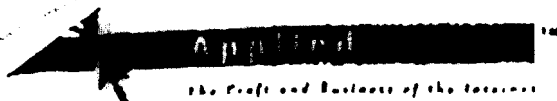
Block 5, page 1 of 1

Instructions: Use one Block 5 page for EACH service (Funding Request Number) for which you are requesting discounts. Make as many copies of this page as necessary, and number the completed pages to assure that they are all processed correctly.

FRN# 123773 (to be assigned by administrator)

11 Category of Service (only ONE category should be checked) <input type="radio"/> Telecommunications Service <input checked="" type="radio"/> Internet Access <input type="radio"/> Internal Connections					15 Contract Number (if available, use "1" if limited services, "0" if month-to-month services as described in instructions) <u>MTM 1157 24 274</u>					
12 Form 470 Application Number (15 digits) <u>78d010000261457</u>					16 Billing Account Number (e.g., billed telephone number)					
13 SPIN - Service Provider Identification Number (9 digits) <u>143004517</u>					17 Allowable Contract Date (mm/dd/yyyy, based on Form 470 filing) <u>12/31/99</u>					
14 Service Provider Name <u>NYSENET.ORG INC</u>					18 Contract Award Date (mm/dd/yyyy) <u>1/11/2000</u>					
					19 Service Start Date (mm/dd/yyyy) <u>7/1/2000</u>					
					20 Contract Expiration Date (mm/dd/yyyy) <u>6/30/2001</u>					
21 Description of This Service: You MUST attach a description of the service, including a breakdown of components and costs, plus any relevant brand names. Label this description with an Attachment #, and note number in space provided below. Attachment # <u>*1</u>										
22 Entity/Entities Receiving This Service: a. If the service is site-specific (provided to one site and not shared by others), list the Entity Number of the entity from Block 4 receiving this service: <u>123773</u> b. If the service is shared by all entities on a Block 4 worksheet, list the worksheet number (e.g., A-1): _____										
23 Calculations										
Recurring Charges					One-Time Charges			Total Charges		
A	B	C	D	E	F	G	H	I	J	K
Monthly \$ charges (total amount per month for service)	How much of the \$ amount in (A) is ineligible?	Eligible monthly pre-discount amount (A minus B)	# of months service provided in program year	Annual pre-discount \$ amount for eligible recurring charges (D x C)	Annual non-recurring (one-time) \$ charges	How much of the \$ amount in (F) is ineligible?	Annual eligible pre-discount \$ amount for one-time charges (F minus G)	Total program year pre-discount \$ amount (E + H)	% discount (from Block 4 Worksheet)	Funding Commitment \$ Request (J x I)
\$ <u>1,424.</u>	<u>0</u>	\$ <u>1424.</u>	<u>12</u>	\$ <u>17,088.</u>	\$ <u>4,978.</u>	<u>100%</u>	\$ <u>4,978.</u>	\$ <u>22,066.</u>	<u>56.90</u>	\$ <u>12,357.</u>

Should be \$9,570.00



17014711157-24274 OF 6, INC.

ATTACHMENT # 1

Mr. Frank Marino
Element Library
1735 Hampstead Turnpike
Elmwood NY 11003


Proposal For Access-Connectivity

Proposal Number: 1157-24274

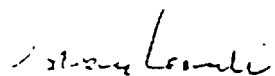
Amount: \$22,065.68

Product	Price	Disc %	Disc \$	Quantity	Instal/Set-up	Amount
Training						
7 Internal Services Management 1	\$295.00		\$295.00	1	\$.00	\$.00
Subtotal for Training						
Access						
1 T1 (1.544 Mbs) Connection Svc (1 Yr)	\$10,500.00			1	\$2,000.00	\$12,500.00
2 Local Loop	\$485.64			12	\$.00	\$5,827.68
3 Plan 1-Cisco1801/KntrexDSU/CSU Maint	\$780.00			1	\$.00	\$780.00
4 Plan 1-Cisco1601/KntrexUSU/CSU-Purch	\$2,978.00			1	\$.00	\$2,978.00
5 Primary/Secondary DNS	\$.00			1	\$.00	\$.00
6 Network Address Assignment	\$.00			1	\$.00	\$.00
Subtotal for Access						\$22,065.68
Recurring Charges (Includes Port/Local Loop Fees/Router/CSU Annual Maint.)						\$17,087.68
Non Recurring Charges (Includes Router/Modem/CSU Purchase/Installation)						\$4,978.00
Total Proposal*						\$22,065.68
Monthly Fees (Includes Port/Local Loop Fees/Router/CSU Annual Maint.)						\$1,423.97

Agreement For: July 1, 2000 - June 30, 2001


Customer Acceptance Signature

1/11/2000
Date


Lawrence Leonard

* Plus any applicable sales tax, State and Federal excise taxes, telephone company surcharges and construction fees.
* All connections must use Applied Technology recommended routers and CSU/DSUs.
* Circuit installation and monthly local loop charges are subject to changing tariffs.
* Offer subject to change if not accepted within 30 days of Proposal date.